

For preliminary hearing purposes, the Administrative Law Judge denied claimant's request for medical care and treatment for an alleged aggravation of bilateral carpal tunnel syndrome. The issue now before the Appeals Board is whether claimant has experienced

an injury arising out of and in the course of his employment with the respondent.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Appeals Board finds for preliminary hearing purposes that claimant has experienced accidental injury arising out of and in the course of his employment with the respondent during the alleged period of April 1, 1992, to March 18, 1993.

Claimant's medical history indicates that he previously experienced bilateral carpal tunnel syndrome for which he was operated in July and September of 1991. As the previous carpal tunnel problem was related to his work activities, claimant obtained an impairment rating in June 1992, and settled his worker's compensation claim one month later. In conjunction with the impairment rating, claimant's physician had him undergo an EMG and an NCT in March 1992, that indicated the existence of possible mild carpal tunnel syndrome on the left and borderline values for carpal tunnel syndrome on the right.

Claimant testified that his work activities have aggravated his symptomatology in his arms. In addition, claimant has obtained a letter from his treating physician, J. Stanley Jones, M.D., dated November 2, 1993, that corroborates claimant's testimony. Dr. Jones states in his letter that Mr. Bell consulted him in November of 1992, and at that time was experiencing a recurrence of his symptomatology. Dr. Jones states that he continued to follow the claimant and that claimant's carpal tunnel symptoms have progressed as a result of his work activities, and that claimant has had some regression on his nerve conduction studies on the left side.

Based upon the above, for preliminary hearing purposes, the claimant has established that he has experienced an aggravation of his carpal tunnel syndrome for which he is entitled to benefits under the Workers Compensation Act.

AWARD

WHEREFORE, it is the finding, decision and order of this Appeals Board, that for preliminary hearing purposes, the Preliminary Hearing Order of Administrative Law Judge Shannon S. Krysl dated February 3, 1994, should be, and hereby is, reversed and modified in that the respondent and insurance carrier are ordered to provide medical benefits to claimant with J. Stanley Jones, M.D., being the authorized treating physician; that all medical bills incurred to date for treatment of the aggravation in question be paid; and that this case be remanded to the Administrative Law Judge for any additional proceedings as may be proper.

IT IS SO ORDERED.

Dated this ____ day of May, 1994.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

cc: Robert R. Lee, 1861 North Rock Road, Suite 320, Wichita, Kansas 67206
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Shannon S. Krysl, Administrative Law Judge
George Gomez, Director